

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #12	CCRB Case #: 201905558	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/11/2019 9:15 PM	Location of Incident: § 87(2)(b)	Precinct: 32	18 Mo. SOL 12/11/2020	EO SOL 7/28/2021	
Date/Time CV Reported Tue, 06/11/2019 9:25 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 06/25/2019 11:05 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Willie Thompson	15823	958120	PSA 6
2. Officers			PSA 6

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Frank Gashi	06497	955942	PSA 6
2. POM Carlos Thomas	21295	952290	PSA 6
3. POM Joseph Musarra	15791	957885	PSA 6
4. POM Ernest Grantham	06959	938606	PSA 6

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b)	
B. Officers	Abuse: Officers searched § 87(2)(b)	
C. POM Willie Thompson	Abuse: Police Officer Willie Thompson stopped § 87(2)(b)	
D. POM Willie Thompson	Abuse: Police Officer Willie Thompson frisked § 87(2)(b)	
E. POM Willie Thompson	Abuse: Police Officer Willie Thompson strip-searched § 87(2)(b)	
F. POM Willie Thompson	Abuse: Police Officer Willie Thompson searched § 87(2)(b)	
G. POM Willie Thompson	Abuse: Police Officer Willie Thompson questioned § 87(2)(b)	
H. Officers	Abuse: Officers stopped § 87(2)(b)	
I. Officers	Abuse: Officers searched § 87(2)(b)	
J. Officers	Abuse: Officers stopped § 87(2)(b)	
K. Officers	Abuse: Officers searched § 87(2)(b)	
L. Officers	Abuse: Officers stopped § 87(2)(b)	
M. Officers	Abuse: Officers searched § 87(2)(b)	

Case Summary

On June 11, 2019, § 87(2)(b) filed this complaint on behalf of herself, § 87(2)(b) and § 87(2)(b) over the phone with IAB. It was received by the CCRB on June 25, 2019 under log #19-23715.

On June 11, 2019 at approximately 9:15PM, § 87(2)(b) and § 87(2)(b) were in front of their residence § 87(2)(b). Officers stopped and searched § 87(2)(b) (**Allegations A and B- Abuse of Authority:** § 87(2)(g)). Police Officer Willie Thompson, of PSA 6, stopped and frisked § 87(2)(b) (**Allegations C and D- Abuse of Authority:** § 87(2)(g)). PO Thompson searched and questioned § 87(2)(b) (**Allegation E and F- Abuse of Authority:** § 87(2)(g)). PO Thompson questioned § 87(2)(b) (**Allegation G- Abuse of Authority:** § 87(2)(g)). Officers stopped and searched § 87(2)(b) and § 87(2)(b) (**Allegations H-M- Abuse of Authority:** § 87(2)(g)).

No one was arrested or summonsed as a result of this incident.

The investigation obtained BWC footage from the following MOS: Police Officer Joseph Musarra, Police Officer Willie Thompson, Police Officer Brianne Modeste, Police Officer Ernest Grantham, Lieutenant Darren Melhado, Police Officer Frank Gashi, and Police Officer Carlos Thomas (Board Reviews 01-13, video summaries located in Board Review 14-18). According to NYCHA, the location does not have any cameras so the investigation was unable to obtain any surveillance footage (Board Review 19).

Findings and Recommendations

Allegation A-Abuse of Authority: Officers stopped § 87(2)(b)

Allegation B- Abuse of Authority: Officers searched § 87(2)(b)

In her initial narrative to IAB, § 87(2)(b) stated that officers stopped and searched her, § 87(2)(b) and § 87(2)(b) (Board Review 20).

On July 25, 2019, § 87(2)(b) called the undersigned and withdrew her complaint (Board Review 21), stating that she wanted to withdraw because no one else involved seemed to be interested in participating in it. The undersigned informed her that she could still participate without others' participation. § 87(2)(b) reiterated her desire to withdraw the complaint and said that she did not want to be harassed by police. This conversation is located in IA#42 of the digital case file and the withdrawal questions began at 1:39 in the recording. Manager Johnson reviewed § 87(2)(b) withdrawal on August 10, 2020 and confirmed that it adhered to agency standards. A withdrawal letter was mailed to § 87(2)(b) but it was never returned.

§ 87(2)(b) provided a statement to the CCRB about the incident (Board Review 22), but in her account, § 87(2)(b) was not present during the initial interaction with officers and § 87(2)(b) made no allegation that § 87(2)(b) was stopped or searched. § 87(2)(b) and § 87(2)(b) failed to provide a statement to the investigation.

§ 87(2)(g)

Allegation C- Abuse of Authority: Police Officer Willie Thompson stopped § 87(2)(b)

Allegation D- Abuse of Authority: Police Officer Willie Thompson frisked § 87(2)(b)

In her verified statement to the CCRB, § 87(2)(b) stated that at approximately 9:15PM on June 11,

2019, she was sitting alone on a bench outside of her residence § 87(2)(b) (Board Review 22). § 87(2)(b) is a 5'5" and weighs 210 lbs. At the time of the incident, § 87(2)(b) had red hair extensions, and was wearing tight black tights, a black bra, and a tight black t-shirt. § 87(2)(b) had a black drawstring Puma bag that she was wearing on her left side. § 87(2)(b)'s neighbors, § 87(2)(b) and § 87(2)(b) were also present in the area. While sitting on the bench, an unmarked black sedan, with its emergency lights activated, stopped in front of the benches. PO Thompson approached § 87(2)(b) and stated that someone had made a call that a woman with a black bag had a gun. PO Thompson did not touch § 87(2)(b) at any point.

According to § 87(2)(b), at 9:13PM on June 11, 2019, a female caller who identified herself by the last name § 87(2)(b) called 911 and stated that she had seen a short, heavyset black female wearing black pants and a black shirt with a gun at her waist (Board Review 23). § 87(2)(b) stated that the woman with the gun was with a group in front of § 87(2)(b). § 87(2)(b) provided a callback number to 911.

The BWC footage does not capture the allegations. PO Thompson's footage begins at 21:15:55 and is 39 seconds long (Board Review 02, summary located in Board 15). At the beginning of the video, an unidentified woman says, "Whoever called, fuck 'em." One of the women states that her "baby father does this kind of stuff." At 21:16:15 in the recording, § 87(2)(b) takes off her black jacket and says, "I'm about to strip." § 87(2)(b) does not take any items of clothing off apart from her jacket. None of the BWC footage captures any frisks or searches.

In his interview with the CCRB, PO Thompson stated that at the time of the incident, he received a radio run concerning a heavy-set black woman with red hair concealing a firearm on her waistband in front of § 87(2)(b) (Board Review 24). PO Thompson did not recall any other details about the description. PO Thompson did not recall if the 911 dispatcher said if the suspect was with other people. The 911 call came from a verified caller, which meant that the caller provided his or her name to 911. When PO Thompson arrived at the scene, he observed § 87(2)(b) among six to ten people who were standing and sitting in front of the building. PO Thompson approached § 87(2)(b) and explained to her that he was stopping her because she matched the description of an individual suspected of having a gun. § 87(2)(b) had a fanny pack. PO Thompson frisked § 87(2)(b) by touching her waistband to check for weapons. PO Thompson stated that he believed that after he conducted the frisk, he probably showed § 87(2)(b) the ICAD to show that the stop was legitimate and not harassment.

The stop report prepared by PO Thompson is generally consistent with his testimony regarding the incident (Board Review 25).

A 911 caller who provides a detailed description of a suspect and gives a callback number or address with an apartment number, but who is otherwise unidentified, is more reliable than an anonymous complainant. An officer acting on this information and spotting an individual matching the description at the location in close temporal proximity to the time of the incident has the reasonable suspicion required to stop said individual and to frisk them for weapons. People v. Herold, 282 A.D.2d 1, 726 N.Y.S.2d 65, citing People v. Hernandez, 647 N.Y.S.2d 761 (App. Div. 1st Dept. 1996) (Board Review 26).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation E- Abuse of Authority: Police Officer Willie Thompson searched § 87(2)(b)

Allegation F- Abuse of Authority: Police Officer Willie Thompson questioned § 87(2)(b)

§ 87(2)(b) stated that after PO Thompson approached her, he told her that that he needed to “check her” and asked that she lift up her shirt to expose her waist, which § 87(2)(b) did. PO Thompson said that he would have to search § 87(2)(b) § 87(2)(b) asked PO Thompson, “What else can you search for? I’m wearing tights.” PO Thompson said, “I need to look in your bag. Can you please open it up?” § 87(2)(b) opened her bag and presented it to PO Thompson, but he did not look into her open bag as he appeared to be distracted by someone he observed exiting the building.

PO Thompson stated that § 87(2)(b) voluntarily lifted up her jacket and her shirt as if to say “I don’t have anything”; PO Thompson did not ask her to do this. PO Thompson believed it was possible that § 87(2)(b) lifted up her shirt and jacket both before and after the frisk was conducted but he was not positive of this. PO Thompson did not ask § 87(2)(b) to open her fanny pack, but § 87(2)(b) did so voluntarily. PO Thompson could not recall if § 87(2)(b) opened the bag before or after the frisk was conducted. PO Thompson did not recall if he looked inside of the fanny pack.

BWC footage does not cover this portion of the incident. The only relevant BWC footage was in the recording made by PO Mosdeste in which PO Modeste is depicted telling another officer at the 21:16:58 timestamp, “She showed us her waist,” before turning off her camera (Board Review 03; summary in Board Review 16).

It is undisputed that § 87(2)(b) both lifted her shirt up, exposing her waistband, and opened her bag during this incident. § 87(2)(g)

Allegation G- Abuse of Authority: Police Officer Willie Thompson questioned § 87(2)(b)

§ 87(2)(b) stated that after she opened her bag and showed it to PO Thompson, PO Thompson told § 87(2)(b) that he needed to search her for a gun. § 87(2)(b) told PO Thompson, “You’re not touching him.” PO Thompson was looking at an individual identified by the investigation as § 87(2)(b) who was exiting § 87(2)(b). PO Thompson walked over to § 87(2)(b) and arrested him on an open warrant. PO Thompson had no further interaction with § 87(2)(b) and § 87(2)(b).

The investigation was unable to establish contact with § 87(2)(b) or § 87(2)(b)

PO Thompson stated that he did not interact with anyone aside from § 87(2)(b) and that he never told

anyone else on scene that he needed to search them.

The BWC footage does not capture PO Thompson telling any individual that he needs to search them.

§ 87(2)(g)

Allegation H- Abuse of Authority: Officers stopped § 87(2)(b)

Allegation I- Abuse of Authority: Officers searched § 87(2)(b)

Allegation J- Abuse of Authority: Officers stopped § 87(2)(b)

Allegation K- Abuse of Authority: Officers searched § 87(2)(b)

Allegation L- Abuse of Authority: Officers stopped § 87(2)(b)

Allegation M- Abuse of Authority: Officers searched § 87(2)(b)

As stated above, § 87(2)(b) told IAB that officers stopped and searched her, § 87(2)(b) and § 87(2)(b).

The investigation was unable to establish contact with § 87(2)(b) or § 87(2)(b) and § 87(2)(b) whom the investigation obtained a verified statement from, stated that § 87(2)(b) and § 87(2)(b) were uninterested in pursuing a complaint or speaking to anyone from the CCRB.

In her verified statement to the CCRB, § 87(2)(b) stated that the only interaction the officers had with the other individuals was when PO Thompson told § 87(2)(b) that he needed to search her. § 87(2)(b) refused to submit to such a search. § 87(2)(b) stated that § 87(2)(b) told PO Thompson that he was not going to touch her but PO Thompson never said anything to her. § 87(2)(b) stated that officers did not touch anyone during this incident.

§ 87(2)(b) also stated that § 87(2)(b) was not involved in the initial incident because she was not standing outside of § 87(2)(b) but was instead watching the incident from the second story of the building.

The BWC footage shows three women in the vicinity of officers. It does not show officers stopping or searching any individuals. However, as previously discussed, the BWC footage does not capture the beginning of the incident.

PO Thompson stated that he only interacted with § 87(2)(b).

The stop report prepared by PO Thompson notes that only one individual was stopped and frisked during this incident.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- As § 87(2)(b) refused to provide her date of birth to IAB or to the CCRB, it could not be conclusively determined if this is the first CCRB complaint in which she is a party.
- This is the first CCRB complaint in which § 87(2)(b) and § 87(2)(b) have been parties.
- Police Officer Willie Thompson has been a member of service for five years and has been a subject in two CCRB complaints and ten allegations, none of which have been substantiated. § 87(2)(g)

Mediation, Criminal, and Civil Histories

- § 87(2)(b) declined to mediate this complaint.
- On December 6, 2019, a request was submitted to the New York City Office of the Comptroller to determine if a Notice of Claim was submitted in regards to this incident. The results of this inquiry will be added to the case file upon receipt (Board Review 27).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: Carlmais Johnson IM Carlmais Johnson August 10, 2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date